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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,101	11/08/2001	Andrzej Metelski	LAGP:111_US_	5386
7590	01/21/2004		EXAMINER	
Hodgson Russ LLP Intellectual Property Law Group Suite 2000 One M & T Plaza Buffalo, NY 14203-2391			WOOD, KIMBERLY T	
			ART UNIT	PAPER NUMBER
			3632	
			DATE MAILED: 01/21/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,101	Applicant(s) METELSKI, ANDRZEJ
Examiner Kimberly T. Wood	Art Unit 3632	

-- The MAILING DATE of this communication appars on the cover sheet with the correspondence address --

Office Action Summary

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.
4a) Of the above claim(s) 4,6,7,13-23 and 25-35 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,5 and 8-12 is/are rejected.

7) Claim(s) 3 and 24 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4

4) Interview Summary (PTO-413) Paper No(s). ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

This is the first office action for serial number 10/010,101, entitled Stand, filed on November 8, 2001.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Election/Restrictions

Claims 4, 6, 7, 13-23, and 25-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 1, 2, 5, 8, and 9 are rejected under 35 U.S.C.

103(a) as being unpatentable over Brenner et al. (Brenner) 6,070,839 in view of Dobner et al. (Dobner) 4,685,648. Dobner discloses a stand comprising a upright column (5), a support arm (11), a pull (13), a device for applying constant balancing force (21), a horizontal arm (9), a counterbalancing transmission having a movable transfer element being a spindle (49), a transmission element (19) which is adjustable relative to the transfer element (49) via the shaft pin which allows it to pivot relative to the transfer element therefore being adjustable to the transfer element. Brenner discloses all of the limitations of the claimed invention except for the cable pull. Dobner teaches that it is known to have a stand having a counterbalancing mechanism including a cable pull (18 and 22). It would have been obvious to one having ordinary skill in the art to have modified Brenner to have substituted the cable as taught by Dobner for the purpose of providing a more secure means of lifting the support arm since a smooth deflecting roller and a cable would result in less chance of malfunction.

Claims 1, 10, 11, and 12 are rejected under 35 U.S.C.

103(a) as being unpatentable over Brenner 6,070,839 in view of Komura 4,544,121. Brenner discloses all of the limitations of the claimed invention except for the device for applying a

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constant balancing force being a balance weight. Komura teaches that it is known to have a pull (7), a roller (2), a balance weight (20), a bock and tackle (6 and 24). It would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Brenner to have included the device for applying a constant balancing force being a balance weight as taught by Komura for the purpose of providing a better means of constant balance.

Allowable Subject Matter

Claims 3 and 24, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional support arms having balancing mechanisms.

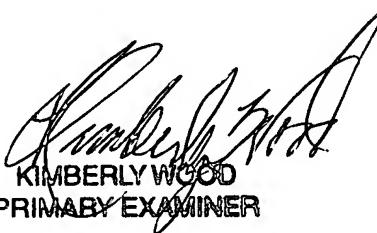
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Wood whose telephone number is (703) 308-0539. The examiner can

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normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168. The fax number for an Official Amendment or Response is (703) 872-9306. The fax number for an Unofficial Amendment or Response is (703) 308-3686.

Kimberly Wood
Primary Examiner
January 12, 2003



KIMBERLY WOOD
PRIMARY EXAMINER